

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
February 7, 2018 - 5:00 p.m.**

**In Attendance were:**

Kathy Giles, Planning Commission, Chairman  
Brad Wells, Planning Commission  
Ken Moon, Planning Commission  
Allen Lindsay, Planning Commission  
Bobby Drake, Planning Commission  
Ken Richens, Planning Commission  
Mike Hyde, Community Development Administrator  
CoraLee Sanchez, Planning Secretary

**Visitors:**

Debra Lindsay	
Levaughn Gines	Jones Pit
Jake Gines	Jones Pit
Dennis Jones	Jones Pit
Chase Potter	Jones Pit
Ben Henderson-Duchesne County	
John Breakfield-Tabiona Town	

Chairman Giles opened the meeting at 5:00 pm and read the rules of order. She asked if any of the Planning Commission members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none, so the meeting proceeded.

**Election of a Chair and Vice Chair for 2018**

Chairman Giles opened the nominations for election of the 2018 chair. Commissioner Moon nominated Chairman Giles to remain as chairman for another year. Commissioner Drake seconded the motion and it passed unanimously.

Commissioner Moon nominated Commissioner Wells for Vice-Chair for a second year also. Chairman Giles seconded the motion and it passed unanimously.

**PUBLIC HEARINGS:**

- A. Request by Dennis Jones for a Conditional Use Permit to establish a gravel pit and rock crusher on five acres of a 118.65 acre parcel located northeast of Tabiona.**

Mr. Hyde referred the commission to their packets and some site photos of the proposed

site and reminded them this property was the subject of a rezone request two months ago. The applicant is proposing to make five acres of his 118.65-acre parcel available to extract earth products (gravel pit and rock crushing). The property is located on the hill NE of Tabiona. Extraction of earth products is a conditionally permitted use in the A-5 zone.

The general criteria for approval include:

- 1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.**

Mr. Hyde stated the extraction of earth products can be detrimental in terms of noise and dust during operations and along the haul route. Surface disturbance results in noise from operation of equipment, windblown dust and dust from equipment movement. However, if the applicant and operators comply with dust and noise standards (both at the pit and along the haul route), the proposal is less likely to be injurious to public health, safety or welfare.

The county Nuisance Ordinance sets forth time limits during which noise is permitted (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays). Such time limits should be applied at the gravel pit in this case as there are homes less than one half mile to the west and southwest.

Detrimental impacts can also occur if the extraction area is not reclaimed properly. The county has bonding and “material pit finishing” standards that should prevent the applicant/operator from leaving eyesore or hazardous conditions when mining is completed. Detrimental impacts can occur if excavation results in sedimentation of waterways. Such protections are afforded through the DEQ industrial storm water permit process. According to maps prepared by the Utah Division of Drinking Water, the property does not lie within any drinking water source protection zones.

Mr. Hyde stated rock extraction activity and the associated heavy hauling may be detrimental to public improvements in the vicinity; especially the county roads. In this case, the proposed ingress/egress from the pit is via 4000 North (which is understood to be a county Class D road bordering the north side of the Tabiona Townsite) and County Road #339E. A new road would be constructed on the applicant’s property from the current dead end of County Road #339E northeasterly to the pit location. Conditions will need to be imposed to ensure that this haul road is improved to accommodate heavy truck traffic and that dust control measures are implemented.

The County Road Department has reviewed the proposed haul route and submitted a comment letter that is attached hereto as an exhibit. The letter mentions the inadequacy of the proposed haul road for heavy truck traffic, but includes a list of mitigation measures that could be required to make the proposal acceptable.

- The road needs more road base to support heavy truck traffic. The County will not bear the cost of this effort alone.

- Dust suppression shall be applied on an annual basis or sooner if necessary; at the applicant's expense. Watering alone is not a suitable alternative. (Mag water is the lowest cost acceptable alternative).
- The County will impose a commercial traffic speed limit of no higher than 15 MPH
- Operation time of 8:00 AM to 6:00 PM for heavy truck use.
- No weekend or holiday heavy truck traffic.
- No use of compression ("jake") brakes on any road accessing 4000 N or on 4000 North.
- No heavy truck traffic shall use paved Tabiona Town streets.
- Heavy truck traffic shall yield to all oncoming traffic and pedestrians.

Mr. Hyde indicated the proposed haul road crosses the Chevron pipeline at pipeline milepost 104. The applicant will need to coordinate with Chevron to ensure that any necessary measures are taken to protect the pipeline from damage associated with heavy truck traffic.

**2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.**

The Duchesne County General Plan contains the following statements with respect to mining activities: *"Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean."*

**3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.**

The proposed mining would take place on five acres of a 118.65-acre parcel, which is certainly large enough to accommodate the proposed use. The applicants are required to set the mining areas back at least 50 feet from the property lines to provide adequate space for a transitional slope between natural grade and the finished pit level. The applicants are also required to set the mining area back 660 feet from existing homes and the crusher is to be set back at least 1,320 feet from existing homes. Aerial photos indicate that there are no homes within 1,320 feet of the boundaries of this site (the closest home is about 1,750 feet southwest of the proposed crusher location). The anticipated conditions of approval, if adhered to, will enable the use to be conducted in a manner that will not be materially detrimental to adjoining and surrounding properties.

The specific conditional use permit criteria for the extraction of earth products include:

- A. Dust Free Condition:** Must be maintained in a near dust free condition. A dust control plan shall be provided by the applicant to the county, the Tri-County health department and the state DEQ that contains an inventory of dust control equipment and procedures that will be utilized at the site and a documented source of adequate water. Rock crushers shall have a DEQ air quality permit in

effect during operation, with a copy of such permit provided to the county, unless the crusher is considered exempt from permit requirements by the Utah DEQ. Watering or applying chemical treatments to active pit areas and driving surfaces during times of operation is considered maintaining a near dust free condition;

Mr. Hyde stated a dust control plan must be presented by the applicant or authorized agent to the TriCounty Health Department for approval prior to operations beginning. The applicant or authorized agent must follow this plan to control dust at active pit areas and driving surfaces. A DEQ Air Quality Permit will also need to be obtained for the crusher and a copy provided to the County.

With extraction of rock, haul roads between the quarry and the nearest paved road can generate dust and heavy truck traffic that can be a nuisance for nearby dwellings. The dust control plan must demonstrate that dust at the pit and along the haul road can be controlled. The anticipated haul road is 4000 North and County Road #339E. Dust control will need to be coordinated with the Duchesne County Road Department and cannot consist of water alone.

**B. Bond Required:** A bond shall be issued in the amount of five thousand dollars (\$5,000.00) for the first acre, and three thousand dollars (\$3,000.00) for each additional acre from which such material is taken as a guarantee of reconditioning. The number of acres must be specified on the conditional use permit and cannot be enlarged or modified until the issue is re-presented to the planning commission for a new conditional use permit and the enlargement or modification is approved. This bonding requirement may be waived in writing by the property owner but such waiver does not waive the reconditioning requirements.

In this case the bonding requirement has been waived in writing by the property owner, who has agreed to complete reclamation upon completion of the mining operation. The applicants understand that reclamation must occur in accordance with the county standards regardless of the presence of bonding.

**C. Reconditioning:** Reconditioning, in a manner agreed to by the county, the property owner and the applicant, to assure the surrounding property is protected along with the beauty of the landscape. Guidelines known as the *Material Pit Finishing Standards* on file at the County Planning Department are suggested for use in reclamation planning;

The "Material Pit Finishing Standards" are used by the County to determine how reconditioning is to be accomplished. The applicant and authorized agents shall be subject to these standards. During operations, the property shall be maintained in a condition that is not hazardous, with any hazardous areas being signed, fenced or bermed.

**D. Distance Requirement for Gravel Pits and Rock Crushing Operations:** Rock crushing operations must be a minimum of one thousand three hundred twenty feet (1,320') from any city, town or residential use, measured from the center of

the crusher location. In addition, the gravel pit boundary shall be set back 660 feet from the edge of the proposed disturbed area to the closest city or town boundary line, the closest point of a residential, educational, public, religious or commercial structure or the closest point on the boundary of an enclosed area of a concentrated livestock facility. In addition, the proposed disturbed area or gravel pit boundary shall be set back at least 50 feet from a property line. The setback requirements may be waived in writing by the owner(s) of land within the setback area if such owner(s) consent to a lesser distance. These setback requirements do not apply to land uses owned and occupied by the owner(s) of the same parcel on which the extraction of earth products would occur.

Mr. Hyde stated the distance requirements of this section will be met. The proposed gravel pit boundaries must be set back at least 50 feet from the property line to meet the minimum standard of the ordinance. The gravel pit boundary will be set back over 660 feet from the nearest homes as shown on the aerial photo attached. The rock crusher location must meet the ¼ mile setback requirement (from a dwelling or city limit line). The aerial photo attached shows that the nearest home is located over ¼ mile to the southwest.

Mr. Hyde stated there is a letter in your packets from the Duchesne County Public Works Director, Ben Henderson, stating the County's concerns about the dust, heavy truck traffic and the use of the roads thru town that were not built for this purpose. Chevron will have a study done to see if the extra traffic and heavy weight will have any impact on their pipeline.

Mr. Hyde recommended approval of the Conditional Use Permit requested by Dennis Jones, for the extraction of earth products, subject to nine conditions:

Mr. Hyde asked if there were any questions of the staff report.

Commissioner Moon asked Mr. Henderson what the 15 mph speed limit was for and if there was any possibility of widening the road. Mr. Henderson replied we could only gain 2-3 feet and he is hoping the speed limit will keep the dust under control and provide for the safety of the residents of Tabiona.

Mr. Hyde stated with the tribal land to the north, widening the road to county width standards is not an option.

Commissioner Lindsay asked Mr. Henderson if the road was improvable at all by adding topsoil and 3-4 inches of gravel. Mr. Henderson replied if there is room it might help.

Mr. LeVaughn Gines, applicant and owner of Crossroads Concrete, stated he feels the road can be widened a little bit with pullouts between the telephone poles extending the

right of way an extra 4 feet. They agree with most of the conditions of approval in the staff report and will do what they need to keep the dust down and maintain safety for the residents of Tabiona.

There was some discussion about the restriction of travel on 38000 West. They feel that other crude haulers, log trucks and water trucks use it so Crossroads should not be restricted. Mr. Henderson explained the option of using mag water to keep the dust down and stated his concerns about the turn radius from the county road to 38000 West.

Mr. Gines is concerned about the 8 am to 6 pm and the Monday thru Saturday work schedule. If they are under a deadline they might have to work at least from 7 am to 7 or 8 pm and including Sundays if necessary. Typically there would be no Sunday or holiday work.

Jake Gines, a Crossroads employee, stated they are still working on whether or not they need a DEQ stormwater permit but are ok with the other county and state regulations. There will also be some discussion with Chevron about their pipeline and if there will be any issues with that.

There was some discussion between the Planning Commission and Mr. Gines about the work schedule including the hours of operation and working on weekends and Holidays.

Chairman Giles asked if there were any other questions or comments.

Mr. Gines thanked Mr. Hyde, the Planning Commission, Mr. Henderson and John Breakfield, for the Town of Tabiona for all of their help.

John Breakfield, a Tabiona town Councilman stated they are concerned about the water lines and valves throughout the town and want to make sure they are protected if the road at 4000 North is improved. Mr. Breakfield is in favor of this project and feels it will be good for Tabiona.

Chairman Giles asked if there were any other visitors to speak either in favor or opposed to the applicant's request. There were none so the public hearing was closed.

Commissioner Drake motioned to approve the Conditional Use Permit requested by Dennis Jones, for the extraction of earth products, subject to the following conditions.

1. The Owners and their authorized agent(s) shall control dust and noise so neither becomes a nuisance.
  - a. A dust control plan approved by the TriCounty Health Department shall be obtained prior to starting excavation and implemented throughout the course of the operations. Dust control agents shall be applied at active portions of the site and on any gravel access roads between the site and Tabby Lane or Highway 35, during periods of hauling. Dust control agents applied to the haul road shall be approved by the County Public Works Director and chemical treatments may be required if water alone is insufficient.
  - b. Owners and their authorized agents shall comply with the following hours of crusher operation: (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays). Heavy truck traffic on the haul route shall be limited to 7:00 AM to 6:00 PM, with no such hauling on holidays and holiday weekends. Sunday hauling will be prohibited if the County receives complaints associated with hauling on that day.
2. The Owners or their authorized agents shall reclaim the property in accordance with the county's "Material Pit Finishing Standards" and protect the public from any hazardous conditions on the site by signage, berms or fencing.
3. A DEQ Air Quality permit shall be obtained for the crusher to operate at this location and a copy provided to the County prior to the start of crushing operations.
4. Before starting excavation at the site, the Owners or their authorized agents shall obtain an industrial storm water permit, if required, from the Utah Department of Environmental Quality and provide a copy to the County.
5. The Owners and their authorized agents agree to maintain a 50-foot wide buffer between the excavation areas and the property lines, a 660-foot buffer between excavation areas and existing homes and a 1,320-foot buffer between the crusher location and existing homes.
6. Before the proposed haul road is used by gravel truck traffic:
  - a. The Owners or authorized agents shall install more road base to support heavy truck traffic and widen the road to the degree possible as approved by the County Public Works Director. Any tree removal required for widening shall be at the expense of the owner or authorized agent. The project shall include adjustment of water valves in the road as approved by Tabiona Town.

- b. Signs shall be installed by the County Public Works Department at each haul road intersection with a posted truck speed of 15 MPH, a compression (“jake”) brake prohibition and allowed times of 7:00 AM to 6:00 PM for gravel truck use.
- 7. The Owners and authorized agents agree that gravel truck traffic shall be avoided on paved Tabiona Town streets. Owners and authorized agents shall comply with Tabiona Town regulations or decisions associated with use of their streets.
- 8. The Owners and authorized agents agree that gravel truck traffic shall yield to all oncoming traffic and pedestrians.
- 9. Owners and authorized agents shall coordinate with Chevron and take steps necessary to ensure the buried Chevron pipeline, as it crosses the haul road, is protected from damage by heavy trucks.
- 10. Owners and authorized agents shall notify all haulers of the terms of this permit before hauling commences.

Commissioner Moon seconded the motion and it passed unanimously.

**NEW BUSINESS:**

None

**Minutes: Approval of December 6, 2017 minutes:**

Commissioner Lindsay moved to approve the minutes of December 6, 2017. Commissioner Moon seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items:**

None

**Adjournment:**

Meeting adjourned at 6:25p.m.